Michigan IV-D Child Support Manual
Michigan Department of Health and Human Services

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1. **Legal Background of Cooperation and Noncooperation Requirements**

   Federal regulations, specifically 45 Code of Federal Regulations (CFR) 264.30, state:

   > (a)(1) The State agency[1] must refer all appropriate individuals in the family of a child, for whom paternity has not been established or for whom a child support order needs to be established, modified or enforced, to the child support enforcement agency (i.e., the IV-D agency).
   >
   > (2) Referred individuals must cooperate in establishing paternity and in establishing, modifying, or enforcing a support order with respect to the child.
   >
   > (b) If the IV-D agency determines that an individual is not cooperating, and the individual does not qualify for a good cause or other exception established by the State agency responsible for making good cause determinations in accordance with section 454(29) of the Act,[2] or for a good cause domestic violence waiver granted in accordance with 260.52 of this chapter, then the IV-D agency must notify the IV-A agency promptly.

   State laws require a recipient of assistance[3] to cooperate with the child support program. Assistance benefits can be denied or terminated if a recipient fails to cooperate with the child support requirements without good cause.[4]

2. **Determining Cooperation and Noncooperation**

   2.1 Who Is Required to Cooperate?

   Michigan's public assistance recipients and ineligible and disqualified grantees must cooperate with the child support program in the establishment of paternity and/or a child support order for children receiving public assistance benefits unless there is a good cause reason.[5]

   For IV-D purposes, an assistance recipient is a person who receives benefits from one or all of the following programs:

   - Family Independence Program (FIP);

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[1] The state agency referenced in this regulation is the agency administering the Title IV-A program. In Michigan, that agency is the Michigan Department of Health and Human Services (MDHHS).
[2] The Social Security Act
[3] Ref: Subsection 2.1, "Who Is Required to Cooperate?" of this manual section.
[4] Ref: Michigan Compiled Laws (MCL) 400.57e and 400.57g.
[5] Ref: Subsection 3, "Good Cause," in this manual section.

- Medicaid;
- Food Assistance Program (FAP); and
- Child Development and Care (CDC).

2.1.1 The Grantee

A grantee on an assistance case is the person to whom assistance benefits are directed on behalf of the family and/or child(ren). Normally, the grantee on the assistance case is the custodial party (CP) on the IV-D case. There are two general exceptions to this rule:

- When a minor parent is the CP on the IV-D case, but an adult caretaker is the grantee for the minor parent's assistance case; or
- When a parent is the CP on the IV-D case, but his/her spouse, the child(ren)'s stepparent, is the grantee on the assistance case, and the parent is an eligible adult member.[6]

2.1.2 The Disqualified Grantee

A disqualified grantee is a person who cannot receive public assistance due to:

- A failure to verify identity, U.S. citizenship, or an acceptable alien status; or
- An intentional program violation (e.g., work disqualifications, support disqualifications, etc.) or criminal activity.[7]

2.1.3 The Ineligible Grantee

An ineligible grantee is a person who is not receiving assistance for himself/herself; (s)he only receives benefits on behalf of a child(ren) in his/her home. For example, a grantee who receives Supplemental Security Income (SSI) cannot concurrently receive FIP benefits. Therefore, (s)he will be an ineligible grantee on the FIP case, even if (s)he is a parent. Frequently, the ineligible grantee is a grandparent or other specified relative of the child(ren) receiving benefits.

When there is an ineligible grantee for a Medicaid case, the application of a support disqualification has no negative impact on the ineligible grantee or the child receiving the benefits. However, cooperation with the child support program would be required in order to establish eligibility if

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[6] Ref: Section 2.05, "Referrals and Applications," of the *Michigan IV-D Child Support Manual*.
[7] Ref: *Bridges Eligibility Manual,* BEM 203, *Criminal Justice Disqualifications.*

the ineligible grantee should later apply for public assistance benefits or for supplemental programs such as State Emergency Relief (SER).[8]

2.2 What Defines Cooperation?

A CP is in cooperation with the IV-D program when (s)he responds to a request for action and provides information to assist in establishing paternity and/or a child support order. Cooperation includes, but is not limited to, the following:

- Identifying the non-custodial parent (NCP) or putative father;
- Locating the NCP/putative father, including providing necessary identifying information and whereabouts, if known;
- Attesting to the lack of knowledge about any of the above information;
- Appearing for genetic testing as requested by Prosecuting Attorney (PA) or Friend of the Court (FOC) staff, and making the child(ren) available on the dates and times requested for genetic testing;
- Appearing at reasonable times and places as requested to provide information or take legal action (e.g., appearing at the PA or FOC office);
- Appearing as a witness or complainant at a legal proceeding;
- Providing the name of the insurance company and coverage that the CP provides for the child(ren); and
- Providing all known, possessed or reasonably obtainable information that relates to establishing paternity and/or securing support.

For FIP recipients, cooperation also includes remitting to MDHHS certain assigned court-ordered support payments received after FIP case opening.[9]

To be in cooperation, the CP must provide information or take any action needed to establish paternity or obtain child support or medical support. Information provided by the CP provides a basis for determining the appropriate support action. Cooperation from the CP will enhance and expedite the process of establishing paternity and obtaining support.

The goal of the cooperation requirement is to obtain child support and medical support. It is Michigan IV-D policy to find a CP who is an applicant or recipient of assistance out of compliance only as a last resort.

2.3 What Defines Noncooperation?

Noncooperation exists when the CP does not respond to a request for action or does not provide information, and the process to establish paternity and/or a child support order cannot move forward without the CP's participation. A CP is in noncooperation with the IV-D program when the CP, without good cause,

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[8] SER prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. (Ref: *State Emergency Relief Manual*).
[9] *Bridges Eligibility Manual*, BEM 255, *Child Support*

willfully and repeatedly fails or refuses to provide information and/or take an action needed to establish paternity or to obtain child support or medical support.[10]

It is possible in some situations to complete the process of establishing paternity or establishing a child support order without the CP's participation. When this situation occurs, the CP should not be found in noncooperation. When noncooperation is determined for a CP, the results of support disqualifications can be severe.[11] IV-D staff should apply noncooperation to a CP only as a last resort when no other option is available to move the IV-D case forward.

Note: If a CP is in noncooperation with the support specialist (SS) but the NCP provides all the information needed for the SS to send a court action referral (CAR) to the PA or FOC, the SS must place the CP in cooperation.

Below are some factors that must be considered when determining that the CP is not cooperating with the child support program.

2.3.1 Providing Information

Providing information is a primary element of cooperation.

CPs are required to provide known or obtainable information about themselves, the child(ren) for whom support is sought, and the NCP (or putative father) when needed to obtain support. At a minimum, the CP is required to provide the following information:

- First and last name of the NCP;
- Height, weight, hair color, eye color, gender, and race or ethnicity of the NCP;
- Marriage information for the mother of the child(ren);
- First and last name of the child(ren); and
- Date of birth for the child(ren).

Note: This list is not exhaustive. More information may be required on a case-by-case basis. To remain cooperative with the IV-D program, a CP is required to provide all information that is requested by a IV-D worker.

Several factors may affect a CP's ability to remember or obtain information. In evaluating cooperation, the IV-D worker should consider

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[10] Ref: *Noncooperation/Cooperation/Good Cause* web-based training on mi-support for more information.
[11] Ref: Subsection 2.9, "Application of Noncooperation and Support Disqualifications for Assistance Programs," in this manual section.

such factors as the CP's marital status, the duration of his/her relationship with the NCP, and the length of time since the CP's last contact with the NCP. A CP who was married to the NCP or knew the putative father for several months can reasonably be expected to provide identifying and location information. The extent and age of the location information provided may be affected by how long it has been since the parties last lived together or had personal contact.

Also, IV-D workers should consider previously obtained information, the feasibility of the current information, and the CP's demeanor in determining whether or not a CP is cooperative.

2.3.2 Making Appearances As Requested

Making appearances as requested is another primary element of cooperation.

The CP can be required to appear at the offices of the PA or the FOC, at court, and as a witness or complainant at a legal proceeding. In paternity cases, the CP can be required to appear for genetic testing. The IV-D worker must establish that an appearance by the CP is essential to support action before finding a CP in noncooperation. The IV-D worker must contact the CP to determine the reason for the CP's lack of cooperation. The IV-D worker should work with the CP to remove any barriers to participation. The IV-D worker must consider if the issues can be resolved over the telephone as opposed to an in-office interview.

2.3.3 Genetic Tests

A CP can be required to submit to genetic testing for paternity establishment. Genetic testing is frequently done to resolve disputed paternity cases. Genetic tests may either exclude a man as being the father or provide a "probability of paternity." The "probability of paternity" is a statistical calculation of the percentage chance of a man being the biological father.

A genetic test can exclude a man alleged to be the father 99.97 percent of the time; this refers to the test's ability to exclude any man chosen at random. When a test excludes a man, the exclusion is considered definitive (i.e., he cannot be the father). Genetic tests are conducted under the supervision of the Prosecutor's Office to ensure maintenance of a proper chain of evidence throughout the testing process.

If an exclusion results, the IV-D worker will contact the CP to discuss the results of the tests, the effects of support disqualifications that may result from noncooperation, and information on the identity and location of other putative fathers. The IV-D worker should ask questions that elicit

definite, non-evasive answers. For example, (s)he should ask for the names of sexual partners during the conception period rather than "Who is the father?"

After the IV-D worker contacts the CP, (s)he must determine whether or not the CP was cooperative in identifying another putative father. The IV-D worker must consider the CP's ability and credible good-faith attempt to provide information.

Before finding noncooperation after a genetic test exclusion, the IV-D worker must establish that the CP:

- Was asked to provide certain information necessary to establish paternity of the child;
- Failed to provide the requested information; and
- Knew or could have obtained the requested information.

Note: A IV-D worker may request a re-evaluation of the genetic testing exclusion if it is believed that the CP sincerely cannot identify another putative father. The SS may request the evaluation through the Prosecutor's Office and must consult the district manager to obtain prior authorization for payment. The person who contests the results and requests another test is responsible for payment.[12]

2.3.4 Missed Appointments

Missed appointments are allowable if the CP provides a valid reason. The IV-D worker must use discretion and judgment in evaluating whether or not a reason is valid.

In evaluating the CP's cooperation, the IV-D worker must:

- Look for patterns of missed appointments (failure to respond to at least two scheduled appointments);
- Discuss with the CP reasons or barriers that may inhibit the CP's ability to appear; and
- If possible, assist the CP in avoiding or removing barriers.

The IV-D worker may determine noncooperation if a CP willfully fails or refuses to keep appointments. The CP may be considered noncooperative until a subsequent appointment is kept or the CP complies with other requested activities.

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[12] 45 CFR 303.5(e)(3)

2.3.5 Attesting Under Oath

A CP can be required to cooperate by attesting under oath to the lack of information regarding an NCP. This may assist in determining cooperation in cases in which a CP's willingness to cooperate is questionable but there is insufficient evidence for a finding of noncooperation.

The IV-D worker can consider a CP in cooperation if the CP keeps an appointment to take an oath and attests to the lack of information about the NCP. Cooperation exists unless or until contrary information becomes available. If the CP fails or refuses to attest to the lack of information, evidence of noncooperation exists.

The IV-D worker is not required to provide a CP with the opportunity to attest under oath if the CP has not demonstrated a willingness and good-faith effort to provide information. In this situation, the IV-D worker must evaluate whether the CP has knowingly withheld information or given false information, and base a decision on that evidence.

2.3.6 The CP As the Complainant

In some instances, the IV-D worker must determine whether or not the CP must be the complainant under penalty of noncooperation. IV-D workers must base the decision on the type of action required and the requirements of the PA.

In some cases, the IV-D agency can act as the complainant and can proceed with the case to establish paternity and/or establish a court order for child support without the participation of the CP. The CP must not be found in noncooperation in these cases.

2.3.7 The CP Does Not Cooperate When Required

When this occurs, the IV-D worker will:

- Notify the CP of the action(s) necessary to be considered in compliance with the cooperation requirements at least two times (to illustrate diligence of effort);
- Notify the CP of specific tasks, necessary steps, or information that is needed to be considered cooperative;
- Determine the CP's reason for noncooperation;
- Assist the CP in removing barriers preventing cooperation when possible; and
- Inform the CP about his/her rights and responsibilities and support disqualifications.

The IV-D worker will consider that the CP may have only limited information about the NCP. Noncooperation should be determined only if the CP seems to be withholding known information.

2.3.8 The CP Overtly States That (S)he Does Not Want to Cooperate When Required

When this occurs, the IV-D worker must:

- Communicate to the CP that this action will result in a finding of noncooperation;
- Communicate to the CP the effects of noncooperation on assistance program eligibility; and
- Document in the case history the conversation with the CP, the date of the conversation, the method of communication, the declaration of noncooperation, and that rights and responsibilities were reviewed with the CP; and
- Proceed with the case by sending the CAR and/or processing the CAR if the IV-D worker has enough information or can obtain the necessary information from another source.

Note: If the child(ren) for whom the CP has not cooperated has left the home, the case needs to be re-evaluated for cooperation.

Example:

The CP has five children and they are all receiving assistance. Children 1-3 have the same father; children 4 and 5 have a different father. The CP has cooperated with the child support program for children 1-3, and there is a court order. The CP does not want to cooperate by providing information about the NCP for children 4 and 5. Therefore, the CP is considered in noncooperation for the entire group. However, if children 4 and 5 leave the home and the CP stops receiving assistance for those children, the CP will be in cooperation status.

2.4 Who Determines Noncooperation and Cooperation?

The SS, the PA and MiCSES are able to determine if a CP is in noncooperation. The IV-D worker determines noncooperation when paternity establishment and/or establishment of a child support order is impeded due to the lack of the participation of the CP. MiCSES determines noncooperation when contact letters[13] have been sent to the CP and the case has not been updated with new information before the cooperation requirement date printed on the letters.

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[13] Ref: Section 2.6.1, "SS and MiCSES Determination of Noncooperation" of this manual section for more information about contact letters.

Once noncooperation is determined, the IV-D case will remain in the functional area of the decision maker until (s)he makes a determination of cooperation, good cause, or IV-D case closure eligibility.

The FOC will not determine noncooperation for the CP for enforcement purposes. However, FOC staff are able to apply judicial tools for noncompliance with the court process, such as requesting show-cause hearings and issuing bench warrants. The FOC can exercise judicial options for actions in the review and modification process (e.g., imputing income, contacting IV-A on assistance cases for income information, not modifying the case, showing cause for non-appearance, etc.)

2.5 Factors With No Impact On Noncooperation and Cooperation

2.5.1 SMILE Program

Some local court judges require parents involved in family support actions to participate in counseling or special programs such as the SMILE[14] program. However, this is not a IV-D cooperation requirement.

2.5.2 Parenting Time

A CP's refusal to agree to parenting time does not preclude legal action to enforce the provisions of an order. A CP cannot be required to agree to parenting time under penalty of noncooperation. Therefore, parenting time violations are not part of the IV-D program requirements. Mediation services are available through the FOC to assist parties in voluntarily settling parenting time or child custody disputes.

2.6 How to Process the IV-D Case for a Determination of Noncooperation

The determination of noncooperation for IV-D cases is made at the IV-D case level. If the IV-D case has more than one child for the same CP and NCP, and the CP is not cooperating with information for just one of the children, then the entire IV-D case is considered in noncooperation status. Similarly, to determine cooperation, the CP must be cooperating for all the children on the IV-D case.

2.6.1 SS and MiCSES Determination of Noncooperation

A CP can be placed into noncooperation status automatically by MiCSES or manually due to the action of the SS.

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[14] SMILE (Start Making It Livable for Everyone) is an educational program used in some counties for parents who have a pending divorce. The program helps parents to better understand how conflict between them affects their children, how to communicate on a positive level, and how to be flexible and to compromise as co-parents in making decisions about their children.

A. CP Does Not Respond to the First Two Contact Letters[15]

If there is no response from the CP to the first two contact letters, and the SS does not enter case information into MiCSES by the due date (the date the response is required from the CP as stated in the letters), MiCSES will automatically:

1. Resolve any past-due member exceptions by creating new MiCSES individuals;
2. Update the *Case Processor* (CPRO) screen and enter a noncooperation reason code in the *Noncooperation Reason* field (this action initiates the noncooperation minor activity);
3. Update the cooperation status code on the *Case Member Details* (CASE) screen to indicate noncooperation;
4. Generate and send the CP notice of noncooperation, the *Noncooperation Letter* (OCS1252A)[16] through the Central Print process; and
5. Transmit the noncooperation transaction to Bridges to initiate the support disqualification process.[17]

B. CP Does Not Cooperate for Other Reasons

1. When an SS notices a CP's action or inaction may be preventing the continuation of child support activity, the SS must contact the CP before determining noncooperation. The SS may contact the CP by sending the *Customer Contact Letter 2* (OCSCONT2).[18] The SS must:

   a. Determine the CP's reason for noncooperation;
   b. Inform the CP about disqualifications, what information is still needed from the CP, and the due date for the submission of information; and
   c. If possible, assist the CP in avoiding or removing barriers.

   If the SS sends the OCSCONT2 to the CP, MiCSES will monitor the case for a response. MiCSES will place the CP into noncooperation automatically if:

   • No information is received by the date specified on the OCSCONT2 (eight days from the date on the letter); or
   • The SS does not manually intervene.

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[15] Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for information about contact letters and the timeframes associated with them.
[16] Ref: Subsection 2.8, "Notice of Determination to the CP" in this manual section.
[17] Ref: MiCSES 7.0 Release Notes, section "MiCSES Noncooperation & Cooperation Processing."
[18] Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information about the OCSCONT2.

2. When the SS determines that the CP's action or inaction has prevented the continuation of child support activity, the SS will:

    a. Search for member exceptions for any member on the CP's assistance case(s) using the *Resolve Referral* (RESR) screen;[19]
    b. Resolve any member exceptions that exist;
    c. Update the CPRO screen with a noncooperation reason code when there is an open SS activity, or update the CASE screen by entering a status and reason for noncooperation;[20] and
    d. Generate and send the CP notice of noncooperation, the *Noncooperation Letter* (OCS1252),[21] and select the appropriate reasons(s) for noncooperation on the letter.[22]

    The case will remain in the SS functional area until an SS determines cooperation or determines good cause exists, or the IV-D case is closed.

2.6.2 PA Determination of Noncooperation

A. When a PA worker (IV-D worker) notices a CP's action or inaction may be preventing the continuation of child support activity, the PA worker must contact the CP before determining noncooperation.[23] The PA worker must:

    1. Determine the CP's reason for noncooperation;
    2. Inform the CP about disqualifications, what information or action is still needed from the CP, and the due date for the information or action; and
    3. If possible, assist the CP in avoiding or removing barriers.

B. When the PA worker determines that establishment activities for a public assistance case cannot proceed because the CP's action or inaction has prevented the continuation of child support activity, the PA worker will:

    1. Search for member exceptions for any member on the CP's assistance case(s) using the RESR screen;
    2. Work with an SS to resolve any member exceptions that exist;[24]

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[19] Ref: *MiCSES Quick Reference Guide: RESR – Manage Member Associations.*
[20] Ref: *MiCSES Screen Description: CASE – Case Member Details.*
[21] Ref: Subsection 2.8.1(A) in this manual section.
[22] Ref: *MiCSES Screen Description: CASE – Case Member Details.*
[23] Ref: Subsection 2.3.7 in this manual section.
[24] SSs and any IV-D worker with the RESR Resolver role may resolve member exceptions.

3. Update the *Legal Processor* (LPRO) screen with a noncooperation reason code (this action initiates the noncooperation minor activity);[25]
4. Update the CASE screen by entering a status and reason for noncooperation;[26]
5. Generate and send the CP notice of noncooperation, the *Noncooperation Letter* (OCS1252), and select the appropriate reasons(s) for noncooperation on the letter; and
6. Make a note on the *Notes Processor* (NOTE) screen that explains the basis of the noncooperation finding, lists any contact with the CP, and details when and where the OCS1252 was sent.

   The IV-D case and the CAR will remain in the PA functional area until the PA worker determines cooperation, good cause is determined, or the IV-D case is closed.

2.7 How to Process the IV-D Case for a Determination of Cooperation

The IV-D worker must re-evaluate cooperation if a CP previously determined to be in noncooperation expresses a willingness to cooperate or reapplies for public assistance benefits.

A CP previously found noncooperative must demonstrate a good-faith effort to comply with support requirements in order to be found cooperative. When a CP expresses a willingness to cooperate, the IV-D worker must identify ways to proceed that can demonstrate the CP's good-faith attempt to cooperate. For example, the CP can provide the name of another putative father, contact the putative father, or appear at the PA office or in court.

Cooperation exists as soon as the CP provides the information or takes the action that was previously requested. Cooperation can also exist at an earlier stage if the CP's willingness to comply is evident.

When re-evaluating a case where the CP's refusal to cooperate impeded or precluded action to obtain an order, IV-D workers should consider alternative avenues to establish paternity or obtain support. This is particularly relevant in cases where a paternity action was dismissed with prejudice.[27]

The IV-D worker may attempt to secure the *Affidavit of Parentage* or initiate a legal action against another NCP/putative father. The IV-D worker can determine cooperation if the CP cooperates in these subsequent efforts.

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[25] Ref: *MiCSES Screen Description: LPRO – Legal Processor*.
[26] Ref: *MiCSES Screen Description: CASE – Case Member Details*.
[27] Dismissal *with prejudice* occurs when a case is dismissed for a good reason and the plaintiff is barred from bringing an action on the same claim. Dismissal *without prejudice* is a dismissal that allows for refiling of the case in the future.

A finding of noncooperation and a support disqualification must continue as long as action by the CP is necessary, the CP has not demonstrated a good-faith effort to cooperate, and good cause does not exist.

If the CP is granted good cause (either "good cause, end action" or "good cause, continue action"), the cooperation requirement will be waived and the CP will be considered to be in cooperation. (Ref: Subsection 3, "Good Cause," of this manual section.)

2.7.1 SS Determination of Cooperation

A. When the SS determines that the CP has complied with the cooperation requirements, the SS will:

1. Update the CPRO screen by selecting reason code "8V" (Now Cooperating) in the *Noncooperation Reason* field to initiate the cooperation activity chains; and
2. From the CPRO screen, generate the *Cooperation Letter* (OCS1253), which is sent to the CP via Central Print.[28]

B. MiCSES will:

1. Update the cooperation status code to "C" (Cooperation) and enter the current date in the cooperation date field on the CASE screen;
2. Transmit the cooperation transaction to Bridges;
3. Send an informational alert to the PA if there is an open CAR on the *Legal Case* (LCSE) screen for the IV-D case; and
4. Send an informational alert to the FOC if there is an open docket on the *Support Order Entry* (SORD) screen for the IV-D case.[29]

The IV-D case will move into the activity chains from the point of the last activity prior to the noncooperation determination.

2.7.2 PA Determination of Cooperation

A. When the PA worker determines that the CP has complied with the cooperation requirements, the PA worker will:

1. Update the LPRO screen by selecting a cooperation reason code to initiate the cooperation activity chains;
2. Update the cooperation status code to "C" (Cooperation) and enter the current date in the cooperation date field on the CASE screen; and

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[28] The OCS1252 and OCS1253 will default to Central Print to ensure the forms are recorded into forms history.
[29] Ref: MiCSES 7.0 Release Notes, section "MiCSES Noncooperation & Cooperation Processing."

3. From the CASE screen, generate the *Cooperation Letter* (OCS1253), which is sent to the CP via Central Print.

B. MiCSES will:

1. Transmit the cooperation transaction to Bridges;
2. Send an informational alert to the SS if there are any open activity chains for the IV-D case in the SS functional area; and
3. Send an informational alert to the FOC if there is an open docket on the SORD screen for the IV-D case.[30]

2.8   Notice of Determination to the CP

The IV-D worker must provide the CP with notice of:

- An initial determination of noncooperation;
- A subsequent determination of cooperation.[31]

2.8.1   Noncooperation Notice to the CP – OCS1252A and OCS1252, *Noncooperation Letter*

A. OCS1252A

MiCSES automatically generates the OCS1252A when the CP has not responded to the first two contact letters sent.

B. OCS1252

The OCS1252 is the noncooperation notice sent to the CP that lists noncooperation reason options for the IV-D worker to select. When it is determined that the CP is in noncooperation, the IV-D worker will clearly indicate on the OCS1252 why the CP is considered in noncooperation and what action must be taken by the CP.

2.8.2   Cooperation Notice to the CP – OCS1253, *Cooperation Letter*

The OCS1253 is the notice sent to the CP to indicate that (s)he is now in compliance with the cooperation requirements.

Note: The letters of cooperation and noncooperation – OCS1252, OCS1252A and OCS1253 – are not on the *Document Generation* (DOGN) screen in MiCSES. These letters are generated from the CPRO and CASE screens. The letters default to a Central Print facility to ensure the forms are recorded into forms history.

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[30] Ref: MiCSES 7.0 Release Notes, section "MiCSES Noncooperation & Cooperation Processing."
[31] The IV-D worker is also responsible for notifying the MDHHS office about determinations of noncooperation and subsequent cooperation on assistance cases. This is accomplished through the MiCSES/Bridges interface.

2.9 Application of Noncooperation and Support Disqualifications for Assistance Programs

State laws, federal regulations, and administrative rules require that FIP, Medicaid, FAP, and CDC applicants and recipients cooperate in establishing paternity and securing support (when appropriate) for children receiving public assistance benefits unless there is a good cause reason. The lack of cooperation results in program disqualification or ineligibility at the time of application for either the individual or the entire group, depending on the particular program requirements.

The support disqualifications for each assistance program are listed below:

Assistance Program	Support Disqualifications
FIP	FIP case closure (includes 30-day penalty period without eligibility for benefits for the entire FIP group)
FAP	Noncooperative person removed from the case (benefits reduced)
Medicaid	Noncooperative person removed from the case unless pregnant or two months postpartum[32]
CDC based on low income	CDC case closure

2.9.1 Noncooperation and FIP

For FIP, any individual required to cooperate who fails to cooperate without good cause, causes group ineligibility for a minimum of one month. Application for FIP is denied if any member required to cooperate has been determined to be in noncooperation without good cause.

Under specific circumstances, the MDHHS family independence specialist (FIS)/eligibility specialist (ES) determines noncooperation and cooperation. All rights to current court-ordered child support paid for a FIP recipient must be assigned[33] to the state as a condition of FIP eligibility. For FIP eligibility, cooperation includes repaying to MDHHS any assigned support payments received on or after the support certification (assignment) effective date.[34] The MDHHS FIS/ES worker determines noncooperation for failure to return assigned support payments. An individual is considered noncooperative when (s)he has

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[32] The children do not lose Medicaid coverage when the disqualification is applied. Only an adult eligible grantee will lose Medicaid benefits, unless she is pregnant or is less than two months postpartum.
[33] Ref: Section 5.15, "Assignment of Support (Certification/Decertification)," and Section 5.40, "Public Assistance Impacts: Unreimbursed Grant, Linking, and Pass-Through (Client Participation Payment)," of the *Michigan IV-D Child Support Manual*.
[34] *Bridges Eligibility Manual,* BEM 255, *Child Support*

received assigned support payments directly for a second calendar month after the certification effective date and has failed to return them to MDHHS.

Cooperation exists when the FIP recipient required to assign support payments returns subsequent assigned support payments, or an over-issuance claim[35] has been established and certification of support has occurred.

2.9.2 Noncooperation and FAP

Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual is removed from FAP for a minimum of one month. The remaining eligible group members will receive benefits.

2.9.3 Noncooperation and Medicaid

Medicaid applicants, recipients, and ineligible and disqualified grantees must cooperate in establishing paternity and/or a child support order when appropriate.

If Medicaid is the only program benefit applied for or received, the beneficiary may request medical support[36] services only.[37] Establishment of paternity and pursuit of a medical support order are still required for Medicaid eligibility.

Failure to cooperate without good cause results in disqualification. The individual who failed to cooperate is not eligible for Medicaid.

Note: A pregnant woman who fails to cooperate is not disqualified during the pregnancy and for two months after the month the pregnancy ends.

2.9.4 Noncooperation and CDC

Failure to cooperate without good cause results in ineligibility for CDC. CDC is closed or denied when there is noncooperation for child support.

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[35] An over-issuance claim is the process for MDHHS to recoup the overpayment of public assistance benefits from customers.

[36] Ref: Section 6.06, "Medical Support," of the *Michigan IV-D Child Support Manual* for more information on medical support.

[37] Ref: *MiCSES Screen Description: CASE – Case Member Details*. The *Med ENF Only* field on the CASE screen provides a checkbox that indicates a medical support-only enforcement case.

3. Good Cause

Federal regulations allow states to develop good cause exemptions to the child support cooperation requirement when a family receives public assistance. In Michigan, the good cause exemptions apply to recipients of the following programs:

- FIP;
- Medicaid;
- FAP;
- CDC; and
- Child Welfare (Agency Placement).[38]

Federal law and regulations require the IV-D program to:

- Stop all child support activities (paternity and support establishment and enforcement of support) for a pending good cause claim and a good cause determination to "end child support action";[39] and
- Close an existing IV-D case if good cause is granted and the determination is made to "end child support action."[40]

3.1 When to Consider Good Cause

MDHHS and OCS may waive the cooperation requirement for FIP, FAP, Medicaid and CDC when the cooperation of the recipient/applicant is against the child's best interests. The cooperation of the recipient/applicant is against the child's best interests when:

3.1.1 Cooperation may result in physical or emotional harm to the child, or to the parent or caretaker; or

3.1.2 At least one of the following circumstances exists, and the FIS/ES worker or IV-D worker believes that because of this circumstance(s), proceeding to establish paternity, to secure support, or to identify and provide information regarding a third party liable for medical support would be detrimental to the child for whom support would be sought:

A. The child for whom support is sought was conceived as a result of incest or rape;
B. Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;
C. The applicant or recipient is currently being assisted by a public or licensed private social services agency to resolve the issue of

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[38] Ref: Section 4.85, "Agency Placement – Establishment," of the *Michigan IV-D Child Support Manual* for information on agency placement.
[39] 42 USC 654(29), 45 CFR 302.31(b) and (c), 42 USC 608(a)(2), 42 USC 608(a)(10)(B), and 42 CFR 433.147–433.148
[40] 45 CFR 303.11(b)(14)

whether to keep the child or relinquish him/her for adoption, and the discussions have not lasted more than three months; and/or

D. It is not in the child's best interest to establish paternity and/or support.

When a recipient (i.e., the CP on the IV-D case) claims good cause, (s)he is requesting an exemption to the child support cooperation requirement. The CP wants the child support program to stop action and close his/her IV-D case. Normally, federal regulations do not allow the IV-D program to close a IV-D case when the CP requests closure and the family is receiving public assistance.[41] However, when a good cause determination to end child support action is made, MiCSES will close the IV-D case.

3.2 IV-D Actions on Good Cause Claims

If, during a phone call or in-person, CPs indicate they are concerned for their safety or the safety of their child(ren), IV-D staff will work with the CP to determine if good cause and/or family violence protections are appropriate.[42]

When a CP claims good cause to a IV-D worker and the reason meets the criteria in Subsection 3.1 above, the worker will:

- Search for member exceptions for any member on the CP's assistance case(s) using the RESR screen;[43]
- Resolve any member exceptions that exist;[44]
- Update the good cause status to "P" (Pending) on the CASE screen;[45]
- Enter a note on the NOTE screen to indicate the pending good cause claim; and
- Explain the *Claim of Good Cause – Child Support* (DHS-2168) and refer the CP to his/her FIS/ES worker to request and complete a DHS-2168.

If the CP is in a noncooperation status, the IV-D worker will place the CP into cooperation as of the date the case was placed into a good cause pending status.

3.3 "Pending" Good Cause Status

Federal regulations require that the IV-D worker must suspend all activities to establish paternity or secure or enforce support on the IV-D case until notified of

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[41] Ref: Section 3.50, "Case Closure," of the *Michigan IV-D Child Support Manual* for more information.
[42] Ref: Section 1.15, "Family Violence," of the *Michigan IV-D Child Support Manual*.
[43] Ref: *MiCSES Quick Reference Guide: RESR – Manage Member Associations*.
[44] SSs and any IV-D worker with the RESR Resolver role may resolve member exceptions.
[45] Ref: *Noncooperation/Cooperation/Good Cause* web-based training on mi-support for information on how to place a CP in a pending good cause status.

a final determination by the FIS/ES worker in order to prevent harm to the family.[46]

3.3.1 Suspending Support Activities When a Good Cause Claim Is Pending

When a good cause claim is pending, the IV-D worker must suspend all paternity and support action on behalf of the child(ren) specified in the good cause claim:

- The SS and/or PA worker will suspend activities to establish paternity and/or a support order, including attempts to locate the NCP;
- FOC staff may continue enforcement action due to state statutory mandates (i.e., court rules) but cannot require the CP's participation; and
- IV-D workers must not contact the CP or NCP concerning support for the child(ren). Any inadvertent contact with the NCP must take into consideration the basis of the good cause finding.

3.3.2 Recommendations on Pending Good Cause Claims

While a good cause claim is pending, MDHHS policy states that the FIS/ES worker may ask the IV-D worker to review and comment on the good cause claim. If this occurs, the IV-D worker will review the good cause claim and provide recommendations to the FIS/ES worker. The IV-D worker will base his/her recommendations on the following:

- Available information, including records of prior contacts with the CP and records gathered by the FIS/ES worker as part of the good cause investigation;
- Information the CP may voluntarily provide concerning the claim (the SS cannot contact the CP specifically to obtain information to make a recommendation);
- Consideration of whether support action can be taken without CP cooperation and without resulting in physical or emotional harm to the child or CP. (This is particularly important in cases in which a support order does not exist for specified children); and
- Consideration of whether support action can be taken without disclosing the location of the CP and the children.

3.3.3 MiCSES/Bridges Interface Transactions When a Good Cause Claim Is Pending

Once the FIS/ES worker updates Bridges to indicate a good cause claim is pending, the following transactions will occur:

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[46] 45 CFR 302.31(b)

- Bridges will transmit the "good cause pending" transaction to MiCSES;
- MiCSES will advance the SS workflow to the CAUSE minor activity using the "GP" (Good Cause Pending) reason code if activities are open on the CPRO screen (the SS will receive an action alert);
- MiCSES will update the good cause information on the CASE screen to the "P" (Pending, Good Cause) status;
- MiCSES will create a IV-D case-level note on the NOTE screen for the IV-D case;
- MiCSES will send an informational alert to the PA worker if a CAR is open on the LCSE screen for any county;
- MiCSES will send an informational alert to the FOC worker if there is an open SORD record for any county;
- MiCSES will suppress all forms from automatically and manually generating to the CP and other IV-D case recipients (NCP, employer, etc.); and
- To prevent harm to the family, MiCSES will prevent certain enforcement activities from beginning or continuing.[47]

3.4 Determination of Good Cause

3.4.1 FIS/ES Worker Determines Good Cause

The FIS/ES worker may waive the cooperation requirement and determine good cause exists when the same conditions exist as listed in Subsection 3.1.2 of this manual section, and/or if there is a risk of harm to the child or caretaker.

The FIS/ES worker is required to make a good cause determination within 45 days from the date the DHS-2168 is received. The 45-day timeframe may be extended with supervisory approval. IV-D workers should recheck the progress of the good cause determination by the FIS/ES worker after the 45-day timeframe has lapsed if no final determination has been transmitted to MiCSES.

If the CP and/or dependents are involved in a domestic violence situation, MiCSES can protect the confidentiality of the members' identifying information. In MiCSES, when a IV-D worker sets the family violence indicator (FVI) to "Yes" and selects certain family violence codes for the CP on the *Member Demographics* (DEMO) screen, MiCSES will not release the CP's address and identifying information to the other party on forms. When certain family violence codes are set for the CP, his/her dependents' information will also be confidential.[48]

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[47] Ref: MiCSES 7.0 Release Notes, section "Good Cause Information to MiCSES."
[48] Ref: Section 1.15 of the *Michigan IV-D Child Support Manual.*

Note: Setting a member's FVI to "Yes" will not apply a good cause status to the case. Also, applying a good cause status to a case will not set a member's FVI to "Yes" or suppress the member's address. If a CP claims good cause and there is a domestic violence situation, IV-D staff should further protect the family by setting the FVI to "Yes" for the CP.

3.4.2 SS Determines Good Cause

Most good cause determinations on assistance cases will be the responsibility of the FIS/ES worker. However, in certain situations, the SS may determine good cause. The SS can determine good cause in situations where:

A. An extreme emergency or urgency exists; or
B. The CP is claiming good cause and the NCP is the IV-D services applicant.

3.5 Types of Good Cause Determinations and Case Actions

The FIS/ES worker will make one of the following good cause determinations:

- Good Cause Denied – Good cause does not exist, the IV-D agency will proceed with the child support action, and the CP must cooperate to continue receiving benefits (good cause status "I").[49]

- Good Cause Granted, Continue Action – Good cause does exist, but the IV-D agency will continue the child support action without the participation of the CP (good cause status "D").

- Good Cause Granted, End Action – Good cause does exist, and the IV-D agency will end all child support action (good cause status "E").

3.5.1 Case Actions on "Good Cause Denied"

When a FIS/ES worker denies a good cause claim, Bridges will transmit the decision to MiCSES through the MiCSES/Bridges interface.

A. When the denied good cause status is received from Bridges, MiCSES will do the following:

  1. Update the CASE screen to the "I" (Good Cause Denied) status;
  2. Close the CAUSE minor activity with the "GI" (Good Cause Denied) reason code, and advance the workflow to the *Good Cause Continue Appropriate Action* (GCCAA) minor activity if the

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[49] Ref: *MiCSES Screen Description: CASE – Case Member Details* and the *MiCSES Quick Reference Guide: CASE – Add or Update Case Information*.

CAUSE minor activity is open on the CPRO screen (an action alert is sent to the SS);

3. Create a IV-D case-level note on the NOTE screen for the IV-D case;
4. Send an informational alert to the SS that good cause is denied and send a second contact letter to the CP if no action is taken within 15 days;
5. Send an informational alert to the PA if there is an open CAR on the LCSE screen; and
6. Send an informational alert to the FOC if there is an open docket on the SORD screen.[50]

B. The IV-D worker will resume action on the IV-D case, starting from the point where action was stopped due to a pending claim.

3.5.2 Case Actions on "Good Cause Granted, Continue Action"

In circumstances where "Good Cause Granted, Continue Action" is determined on a case, all actions must be completed without the CP's participation.[51] The cooperation requirement for the CP is waived.[52]

When a FIS/ES worker grants "Good Cause, Continue Action," Bridges will transmit the decision to MiCSES through MiCSES/Bridges interface.

A. When the "Good Cause Granted, Continue Action" status is received from Bridges, MiCSES will do the following:

1. Update the CASE screen to the "D" (Good Cause Granted, Continue Action) status;
2. Update the cooperation status on the CASE screen;
3. Close the minor activity using the "GK" (Good Cause Granted, Continue Action) reason code, and advance the workflow to the GCCAA minor activity within the *SS Case Activities* (SSACT) major activity if there is an open activity within the SSACT major activity on the CPRO screen;
4. Create a IV-D case-level note on the NOTE screen for the IV-D case;
5. Send an action alert to the SS;[53]
6. Send an informational alert to the PA if there is an open CAR on the LCSE screen;
7. Send an informational alert to the FOC if there is an open docket on the SORD screen; and

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[50] Ref: MiCSES 7.0 Release Notes, section "Good Cause Information to MiCSES."
[51] 45 CFR 302.31(c)
[52] MiCSES will show the CP in cooperation.
[53] Ref: MiCSES 7.0 Release Notes, section "Good Cause Information to MiCSES."

8. Suppress the manual and automatic generation of forms that request action of the CP but allow the manual and automatic generation of forms that provide case information to the CP. MiCSES will allow the automatic and manual generation of forms to other IV-D case recipients (NCP, employer, etc.).[54]

B. The IV-D worker will continue all actions on the case without contacting the CP.

3.5.3 Actions on "Good Cause Granted, End Action"

When the FIS/ES worker determines "Good Cause Granted, End Action," the IV-D agency will end child support actions. Bridges will transmit the decision to MiCSES through the MiCSES/Bridges interface.

A. When the "Good Cause Granted, End Action" status is received from Bridges, MiCSES will do the following:

1. Update the CASE screen to the "E" (Good Cause Granted, End Action) status;
2. Update the cooperation status on the CASE screen;
3. Close the minor activity and the SSACT major activity with the "GG" (Good Cause Granted, End Action) reason code if there is an open CAR on the LCSE screen;
4. Create a IV-D case-level note on the NOTE screen for the IV-D case;
5. Send an action alert to the SS;[55]
6. Send an informational alert to the PA if there is an open CAR on the LCSE screen;
7. Send an informational alert to the FOC if there is an open docket on the SORD screen;
8. Close the IV-D case using the case closure reason code "GG" on the CASE screen; and
9. Suppress all forms from automatically and manually generating to the CP and other IV-D case recipients (NCP, employer, etc.).[56]

The IV-D worker will stop any action to establish paternity or secure support and resolve any open activities to allow MiCSES to close the IV-D case.[57] A court case can remain open although the IV-D case

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[54] The *MiCSES Customer Information Guide: Good Cause Suppressed Templates* shows whether IV-D forms are suppressed for the CP and other case recipients based on the good cause status of the case (Pending, End Action, or Continue Action).
[55] Ref: MiCSES 7.0 Release Notes, section "Good Cause Information to MiCSES."
[56] Ref: Subsection 3.6 of this manual section.
[57] Ref: *MiCSES Customer Information Guide: Case Closure* for more information about completing, closing, or resolving activities that require manual effort to close the full MiCSES case. Under Michigan law (MCL 552.503[6]), the FOC office is not required to provide service in non-IV-D cases.

closes. Closing a IV-D case on MiCSES will not close the court order or forgive the NCP's obligations or arrears.

Note: PA and/or FOC staff may keep a court case open as a matter of discretion or to comply with court rules. The judge has the final determination for closing a court case after service of process[58] or once a court order is established. However, once the determination is made to end child support action, the IV-D case must close, and any activities associated with the case will not be IV-D reimbursable.

3.6 Good Cause and Form Generation

The IV-D program cannot request action from the CP when good cause is pending or is granted; this includes the issuance of forms that would require action or information from the CP.

MiCSES will display an error message when a IV-D worker tries to manually generate a form that has been suppressed due to the case's good cause status. The error message will state that the requested form cannot be generated due to the good cause status of the case.

A IV-D case qualifies for forms suppression when all the following are true in MiCSES:

- The *IV-D Case Type* is "A - TANF,"[59] "M - Medicaid," or "N - Other IV-D";
- The *IV-D Case Status* is "O - Open";
- The *Good Cause Status* is "P" (Pending), "D" (Good Cause Granted, Continue Action), or "E" (Good Cause Granted, End Action); and
- The assistance record is active for the dependent(s) on the case.

If a IV-D case has a good cause status of "Pending" or "Good Cause Granted, End Action," IV-D workers will not send forms to the CP and other case recipients (non-custodial parent [NCP], employer, etc.). MiCSES will prevent the manual and automatic generation of forms to these case members.

When a IV-D case has a "Good Cause Granted, Continue Action" good cause status:

- IV-D workers will not send forms that request action of the CP but will send forms that provide case information to the CP. MiCSES will suppress the

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[58] Service of process is the formal delivery of a writ, summons, or other legal process. Ref: Section 4.15, "Service of Process (SOP)," of the *Michigan IV-D Child Support Manual* for more information about service of process.
[59] TANF is Temporary Assistance for Needy Families. It is known as FIP in Michigan.

manual and automatic generation of forms that request action but will allow the manual and automatic generation of forms that provide information; and

- IV-D workers may send forms to other case recipients (NCP, employer, etc.). MiCSES will allow these types of forms to be generated manually and automatically.[60]

A IV-D worker may access forms on a non-IV-D case with a docket in which the IV-D case has closed due to a "Good Cause Granted, End Action" status. MiCSES will not suppress forms on a non-IV-D (L-type) case.

3.7 Out-of-State Orders and Intergovernmental Forms

IV-D workers may continue to register out-of-state orders and may act upon pending show-cause actions to prevent harm to the family. MiCSES will not suppress intergovernmental forms when a good cause status exists because the recipient of these forms is the other state's intergovernmental agency, not a CP or other recipient (NCP, employer, etc.).

3.8 End-Dating of Good Cause

3.8.1 Situations for Ending Good Cause

There may be a change in the situation of an individual who previously requested and received a good cause determination, and (s)he no longer requires protection. In this situation, the FIS/ES worker may determine that the good cause finding is no longer applicable. When the FIS/ES worker makes this determination, (s)he will update Bridges by removing the good cause status from the case. Bridges will then transmit a good cause end date to MiCSES through the MiCSES/Bridges interface.

There are three circumstances where Bridges cannot send the updated record to end good cause, even when it is appropriate:

A. Cases with good cause are listed as "conversion" cases;
B. The assistance case has closed; and
C. Good cause was previously granted on a IV-D case that has subsequently become a non-IV-D case.

In these circumstances, the SS may confirm with the FIS/ES worker that good cause should be ended. Once the SS has confirmed this, (s)he may update the case with "good cause denied" in MiCSES. The SS must enter detailed notes on the NOTE screen in MiCSES when updating good cause.

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[60] The *MiCSES Customer Information Guide: Good Cause Suppressed Templates* shows which forms may be sent to which recipients when a IV-D case has a good cause status of "Good Cause Granted, Continue Action."

3.8.2 System Actions

Once the FIS/ES worker updates Bridges, the following transactions will occur:

A. Bridges will transmit the good cause end-date transaction to MiCSES.

B. For open cases, MiCSES will:

1. Reset the good cause information on the CASE screen to blank;
2. Ensure that the minor activity on the SSACT activity is set to NOTFC (Not Foster Care);
3. 3.Send an informational alert to the PA worker if a CAR is open on the LCSE screen for any county; and
4. Send an informational alert to the FOC worker if there is an open SORD record for any county.

C. For closed or pending closed cases that have active relevant assistance and a closure status of "GG" (Good Cause), MiCSES will:[61]

1. Reopen the case;
2. Reset the good cause information on the CASE screen to blank;
3. Transfer the case to the SS functional area and create a CWKALRT alert;
4. Open an SSACT activity and set the minor activity to NOTFC; and
5. Queue up for printing a *Notice of Title IV-D Support Case Action* (CLO_REOSS) letter.

D. MiCSES will create a IV-D case-level note on the NOTE screen for the IV-D case.

E. MiCSES will indicate on the CASE screen that the CP is now cooperating.

Note: When MiCSES automatically processes end-dating of good cause for IV-D cases, it will not modify the family violence indicator on the IV-D case. If the family violence indicator needs to be updated, IV-D workers must update it manually in MiCSES.

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[61] Cases will remain closed if they were closed for any reason other than "GG" or are non-assistance cases.

4. When the IV-D Program Does Not Determine Cooperation/Noncooperation

4.1 When the NCP Is the IV-D Services Applicant

A person is eligible for IV-D services based on current or past eligibility for public assistance, or (s)he may request services by completing the *IV-D Child Support Services Application/Referral* (DHS-1201, OCS1201, or e1201[62]). The persons who may file a IV-D application include:

- An alleged parent of a child born out of wedlock (putative father);
- An NCP of a child; or
- A CP.[63]

There is no cooperation requirement for the NCP when the NCP is the applicant requesting IV-D services. The IV-D worker must initiate case closure steps (using closure code "WT" – Non-TANF Applicant Cannot Be Contacted) if the applicant does not provide the IV-D worker with requested information or does not participate when requested in the child support process.[64]

Federal regulations require Michigan's IV-D program to provide services relating to paternity establishment, including procedures that allow a putative father a reasonable opportunity to initiate a paternity action.[65]

If there is a determination that good cause exists for the custodian and the IV-D program will end the child support action, the IV-D worker must terminate all paternity and/or support action. If a putative father or NCP requests services and the IV-D worker discovers a finding of good cause involving the same parties, the IV-D worker will follow the steps provided in policy.[66] In this situation, the NCP may hire a private attorney to seek paternity and/or support.[67]

4.2 Agency Placement Cases

Because the CP in an agency placement case is MDHHS, these cases are handled differently than public assistance cases with regard to cooperation, noncooperation, and good cause. Refer to Subsection 5 of this manual section

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[62] The DHS-1201 is a Microsoft Word document, the OCS1201 is a MiCSES form, and the e1201 is an online, electronic version of the DHS-1201 available on the MiChildSupport Portal.

[63] Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information on applications for IV-D services.

[64] Ref: IV-D Memorandum 2013-025, *OCS Case Management Section Business Process Changes, Upcoming New Interactive Voice Response (IVR) System, Revised Contact Information, and Form Updates* and Section 3.50 of the *Michigan IV-D Child Support Manual* for more information.

[65] Ref: 45 CFR 303.2(a)(2); Office of Child Support Enforcement (OCSE) AT-98-30, *Interstate Child Support Enforcement Case Processing and the Uniform Interstate Family Support Act (UIFSA)*; and Section 2.05 *of the Michigan IV-D Child Support Manual.*

[66] Ref: Section 2.05 of the *Michigan IV-D Child Support Manual*, Subsections 3.4.2 and 3.4.4, for information on handling this scenario, and Subsection 3, "Good Cause," in this manual section.

[67] Ref: Section 2.05 of the *Michigan IV-D Child Support Manual.*

for information on cooperation/noncooperation/good cause for agency placement cases.

4.3 Non-Assistance Cases

The requirement to cooperate with the child support program in establishing paternity and/or establishing a child support order does not apply to a non-assistance case. Federal and state laws and regulations regarding compliance with the IV-D cooperation requirements only apply to applicants and recipients of assistance benefits.

If the CP states that (s)he does not want to cooperate with the child support program, the IV-D worker must take the appropriate steps to close the IV-D case.[68] IV-D case closure is also appropriate when the CP claims good cause, since the CP does not want to pursue child support.

5. Cooperation/Noncooperation/Good Cause for Agency Placement Cases

Children who receive federal foster care benefits under Title IV-E or state- or county-funded foster care maintenance payments must be referred[69] for IV-D child support services unless the Michigan child welfare worker has made a good cause determination. In addition, a child is categorically eligible for Medicaid when (s)he is placed in foster care. When a child is categorically eligible for Medicaid, the IV-E agency must refer the child for child support services unless there is good cause.

5.1 Parent Cooperation on Agency Placement Cases

It is the responsibility of the child welfare worker to design a plan for a parent's reunification with his/her child. Cooperation with the IV-D program may be required as part of that plan. The SS or PA must notify the child welfare worker when the parent is not cooperating with the child support process. The child welfare worker will then determine if the parent is non-compliant with the reunification plan.

When there is an agency placement IV-D case and the parent refuses to cooperate with the IV-D worker, the IV-D worker must notify the child welfare worker.[70] The IV-D worker must document this contact on the NOTE screen in MiCSES.

If the parent is not available to provide information to the PA when the PA is processing the CAR, the child welfare worker will provide the information. This includes information for the general testimony in intergovernmental cases.

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[68] Ref: Section 3.50 of the *Michigan IV-D Child Support Manual* for more information.
[69] Ref: Section 2.85, "Agency Placement – Case Initiation," of the *Michigan IV-D Child Support Manual* for information on agency placement (foster care) referrals.
[70] The child welfare worker name and contact information is available in MiCSES on the *SACWIS Case Information* (SCWS) screen on the *Case Worker* tab.

When MDHHS is the CP on an agency placement IV-D case, the PA must file an agency complaint.[71]

5.2 Good Cause Determination on Agency Placement Cases

For good cause claims reported to a IV-D worker, the IV-D worker must refer the parent to his/her child welfare worker. When a child is in agency placement, the child welfare worker may make a good cause determination to not initiate child support action. Therefore, the child welfare worker may waive the cooperation requirement in the reunification plan if the parent has good cause not to cooperate.

The child welfare worker will contact the SS or PA when (s)he determines that there is good cause. The SS or PA will then enter an "E" for "end action due to good cause," in the *Good Cause Status* field on the CASE screen. The SS or PA will also enter a note on the MiCSES NOTE screen to document the good cause notification and action taken.

The child welfare worker is not required to complete the DHS-2168. Good cause reasons identified in Bridges[72] policy are not the same reasons for waiving the cooperation requirements in a IV-D foster care case. Child welfare workers must follow child welfare program criteria for determining noncooperation and good cause.[73]

Note: Only a child welfare worker can determine good cause for an agency placement case. An FIS/ES worker cannot determine good cause on an agency placement case.[74]

6. IV-D Activities and Responsibilities in Administrative Hearings[75]

Federal regulations and state laws governing assistance programs provide the assistance recipient with the right to an administrative hearing to contest the denial, reduction or termination of assistance by MDHHS.[76]

The IV-D worker must attend any hearing or pre-hearing conference in which the appeal concerns a negative action on an assistance case resulting from a IV-D decision that a recipient/applicant is in noncooperation or a recommendation that a good cause claim be denied.

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[71] Ref: Section 2.20, "Court Action Referrals (CARs)," of the *Michigan IV-D Child Support Manual* for more information.
[72] *Bridges Eligibility Manual*, BEM 255, *Child Support*.
[73] Ref: OCSE Information Memorandum (IM)-07-06, *Referrals, Locations, Applications, and Electronic Interface between Child Welfare and Child Support.*
[74] Ref: *Bridges Eligibility Manual,* BEM 255, *Child Support,* for information on good cause determinations.
[75] Ref: Section 3.55, "Hearings," of the *Michigan IV-D Child Support Manual*.
[76] 42 CFR 431.200–431.250, 45 CFR 205.10(a), 45 CFR 232.44, MCL 24.271–24.287, MCL 400.9, Michigan Administrative Code (MAC) 400.901–400.922

SUPPORTING REFERENCES: Federal

Cooperation:

42 CFR 431.200–431.250
42 CFR 433.135–433.137
42 CFR 433.147–433.148
45 CFR 205.10(a)
45 CFR 232.44
45 CFR 234.60
45 CFR 302.31
45 CFR 302.33(5)
45 CFR 303.2(a)(2)
45 CFR 303.5(e)(3)
7 USC 2015
42 USC 608(a)(2), 608(a)(3)
42 USC 653(b)(2)
42 USC 654(29)
42 USC 13961c

Good Cause:

42 CFR 433.147–433.148
45 CFR 234.60
45 CFR 264.30
45 CFR 302.31(b) and (c)
45 CFR 303.5
45 CFR 303.11(b)(9)
45 CFR 303.11(b)(14)
7 USC 2015
42 USC 608(a)(2)
42 USC 608(a)(10)(B)
42 USC 620–635, and 670–679
42 USC 653(b)(2)
42 USC 654(29)

OCSE AT-98-30
OCSE IM-07-06

State

Cooperation:

MCL 24.271-24.287
MCL 400.57e
MCL 400.57g

MCL 400.106
MCL 400.9
R 400.56i MAC
R 400.901–400.922 MAC
R 400.3008 MAC
R 400.3010 MAC
R 400.3124, 400.3125 MAC
R 400.5008 MAC

Good Cause:

R 400.56i MAC
R 400.3008 MAC
R 400.3010 MAC
R 400.5008 MAC
MCL 552.451b
MCL 722.714
MCL 722.3(2)
MCL 552.503(6)

Bridges Eligibility Manual, BEM 110, 111, 203, 255

Bridges Administrative Manual, BAM 600

REVISION HISTORY: IV-D Memorandum 2020-017
                                  IV-D Memorandum 2016-008
                                  IV-D Memorandum 2015-024
                                  IV-D Memorandum 2014-022
                                  IV-D Memorandum 2012-002
                                  IV-D Memorandum 2011-019
                                  IV-D Memorandum 2010-018